

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

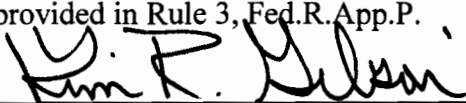
JOHN ALDRIDGE,)
Plaintiff)
)
vs.) Civil Action No. 05-253J
) Judge Kim R. Gibson/
DAVID GOOD, Superintendent;) Magistrate Judge Amy Reynolds Hay
ROBERT MILLER, Plumber; TONY)
BARAN, Maintenance Manager;)
WILLIAM ARCHEY, Fire Safety Officer,)
Defendants)

ORDER

AND NOW, this 28th day of September, 2006, after the plaintiff, John Aldridge, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and plaintiff having filed objections to the report and recommendation, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment, is being treated as a Motion for Summary Judgment and is GRANTED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



Kim R. Gibson
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

John Aldridge
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